

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION (SIOUX FALLS)

---

UNITED STATES OF AMERICA,  
Plaintiff,

Case No. 08-cr-40010

vs.

DEFENDANT'S NOTICE  
OF ALIBI

WILLIAM ROBERT JOSEPH REED,  
Defendant.

---

**NOTICE OF INTENT TO CLAIM LACK OF PRESENCE (ALIBI)**

**NOW COMES**, Henry K Evans, Megan J. Tomjack and Mitchell H. Nelson,  
admitted pro hac vice, attorneys of record for Defendant, William Robert Joseph Reed,  
and hereby gives notice of intent, at any trial, to claim the defense of lack of presence  
(alibi).

Defendant claims to have been at outside of South Dakota at the time of the  
alleged offenses.

Defendant further advises this Honorable Court that the following witnesses are  
known and may be produced to support the defense of lack of presence (alibi) at the time  
of trial in the above-entitled cause: bank records.

The Defendant reserves the right to remove or disclose additional witnesses upon  
reasonable notice to the Plaintiff.

Dated in Sioux Fall, South Dakota on September 4, 2009

/sHenry K. Evans  
Henry K Evans  
Megan J. Tomjack  
Attorneys for Defendant  
Henry K Evans, P.C.  
123 S. Main Avenue Suite 206  
Sioux Falls, South Dakota 57104

(605) 367-9755 p  
(605) 330-0543 f  
[evans.evanslaw@midconetwork.com](mailto:evans.evanslaw@midconetwork.com)

Mitchell H. Nelson  
IMHOFF AND ASSOCIATES, P.C.  
398 Kent Way  
White Lake, MI 48383  
(248) 461-6777  
*Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of September, 2009, a true and correct copy of the foregoing Defendant's First Motion to Continue and Affidavit in Support of Continuance was served upon the following: Jeffrey Clapper, AUSA, P.O. Box 2638, 325 S. 1<sup>st</sup> Ave. #300, Sioux Falls, SD 57104 by electronic filing.

/S/: *Henry K. Evans*